R.S.S.P., INC., : CIVIL ACTION NO. 02-3707

Plaintiff

ROLL FORMER CORPORATION, :

Defendant : JUDGE NEWCOMER

PLAINTIFF R.S.S.P., INC.'S OBJECTIONS TO NOTICE TO ATTEND AND TO PRODUCE

Pursuant to Federal Rule of Civil Procedure 45(c)(2)(B), Plaintiff, R.S.S.P., Inc. (*R.S.S.P.") hereby objects to the proposed Notice to Attend and to Produce that is attached as Exhibit "A" on the grounds that such production is oppressive, unduly burdensome and solely intended to harass. R.S.S.P. also objects on the ground that Defendant's Notice to Attend and to Produce does not comply with Rule 45 of the Federal Rules of Civil Procedure and is therefore not a subpoena.

Each piece of equipment referenced in Exhibit "A" is stored at R.S.S.P.'s headquarters in Warsaw, Indiana. In addition, the VS-150 machine is approximately twelve feet (12') long; both the SSSP3 and FL105-1 Flush Wall Panel Machine are approximately fourteen feet (14') long, and the PCM Panel Curver Machine is approximately the size of a small refrigerator. Each piece of equipment weighs hundreds, if not thousands, of pounds, and is not easily transportable on such short notice. It is highly unlikely that arrangements could be made to fit each piece of equipment into Courtroom 13-A of the U.S.

Courthouse. As a result, Defendant's Notice to Attend and to Produce cannot, and will not, be honored.

DATE: Sept. 11,2003

FLAMM, BOROFF & BACINE, PC

BY:

Walter H. Flamm, Jr. Corey F. Higgins

Attorneys for Plaintiff

R.S.S.P., Inc.

EXHIBIT "A"

R.S.S.P., INC.

V\$.

NO. 02-CV-3707

ROLL FORMER CORPORATION

Blue Bell, PA 19422

NOTICE TO ATTEND AND TO PRODUCE

TO: R.S.S.P., Inc.
c/o Corey Higgins, Esquire
FLAMM, BOROFF & BACINE, P.C.
925 Harvest Drive, Suite 220

- (i) You are directed to come to the United States District Court for the Eastern District of Pennsylvania, U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106 on Monday, September 15, 2003 at 9:00 o'clock A.M. in courtroom 13-A to testify on behalf of Plaintiff in the above case, and to remain until excused.
 - (2) And bring with you and produce the following: See attached

If you fail to attend or to produce the documents or things required by this Notice to Attend and to Produce, you may be subject to the sanctions authorized by the Federal Rules of Civil Procedure.

Date: 9(963

DANIEL D. McCAFFERY, ESQUIRE

Atturney I.D.# 64969

JAFFE, FRIEDMAN, SCHUMAN, SCIOLLA.

NEMEROFF & APPLEBAUM, P.C. 7845 Old York Road, Suite 200

Elkins Park, PA 19027

(215) 635-7200

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R.S.S.P., INC.

VB.

NO. 02-CV-3707

ROLL FORMER CORPORATION

- 1. The VS-150 with hydraulic drive and shear purchased by R.S.S.P. on or about September 28, 1998 as referenced on Roll Former invoice # 2670.
- The SSSP-3; SN: 6276 purchased by R.S.S.P from Roll Former on or about September 23, 1998 as referenced on invoice # 5856.
- The FL105-1 Flush Wall Panel Machine with hydraulic drive and shear 26-24 gage steel purchased by R.S.S.P. from Roll Former as referenced on invoice #6195.
- 4. The VS-150 with hydraulic drive and shear purchased by R.S.S.P. from Roll Former on or about June 22, 2000 as referenced on invoice # 6483.
- 5. The PCM Panel curver machine purchased by R.S.S.P. from Roll Former on or about September 8, 1999 as referenced on invoice #5811.

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CIVIL ACTION NO. 02-3707 R.S.S.P., INC.,

Plaintiff

ROLL FORMER CORPORATION.

Defendant

JUDGE NEWCOMER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Plaintiff R.S.S.P., Inc.'s Objections to Notice to Attend and to Produce was served via facsimile and via first class mail, postage prepaid upon the following:

> Daniel McCaffery, Esq. Robert Nemeroff, Esq. Jaffe, Friedman, Schuman, Sciolla, Nameroff & Applebaum Suite 200, 7848 Old York Road Elkins Park, PA 19027

Honorable Clarence C. Newcomer. 13614 U.S. Courthouse 601 Market Street Philadelphia, PA 19106

Date: <u>Sept. 11, 20</u>03